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November 25, 2024

VIA ECF

The Honorable Nina R. Morrison
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Shrikant Barot v. St. John's University*
Case No. 1:22-cv-04823-NRM-LKE

Dear Judge Morrison:

We represent Defendant in the above referenced matter. We write to oppose Plaintiff's request to move for Rule 23 class certification by December 20, 2024 or in the alternative delay the scheduling of Plaintiff's Rule 23 class certification briefing schedule until after a decision is rendered on Defendant's request to move for summary judgment and the summary judgment briefing schedule is set. See ECF Nos. 32 and 33.

Plaintiff previously proposed a briefing schedule which would combine his class certification briefing, expert discovery and summary judgment motions. See ECF 25. This would result in the parties simultaneously working on both the summary judgment and class certification motion at the same time. Plaintiff's request was discussed extensively during a conference before the Magistrate Judge and was rejected by the court. See 5/9/24 Scheduling Order and ECF No. 31. Plaintiff's request to file his Rule 23 class certification by December 20 would result in the same over-lapping schedule that was already denied by this Court. Accordingly, Plaintiff's request should be denied or held in abeyance.

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Respectfully submitted,

/s/ William J. Anthony

William J. Anthony

cc: All Counsel of Record (via ECF)